

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA,)	Criminal Case No. 3:08cr00005
)	
v.)	<u>2255 MEMORANDUM OPINION</u>
)	
REYNOLD GEORGE SAMUELS, JR.,)	By: Norman K. Moon
Petitioner.)	United States District Judge

Reynold George Samuels, a federal inmate proceeding *pro se*, filed a pleading (Docket No. 323) challenging his 2009 sentence. Because Samuels is challenging the validity of his federal sentence, I will construe Samuels' pleading as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Upon review of the record, however, I find that the § 2255 action must be dismissed as successive.

Samuels challenges his 292-month sentence for drug and copyright offenses. Court records indicate that Samuels previously filed a § 2255 motion regarding the same convictions and sentence, which I dismissed. *See* Docket Nos. 265 and 293. I may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. *See* § 2255(h). As Samuels has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, I must dismiss his motion as successive.¹

ENTER: This 19th day of March, 2014.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

¹ Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. *See* 28 U.S.C. § 2244. A Fourth Circuit form and instructions for filing this motion are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.